

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THEODORE RIDGEWAY,)	
)	
)	
Plaintiff,)	
)	
)	
v.)	Case No. 1: 20-CV-200
)	
)	
JERI SMOCK, et al,)	RE: ECF No. 31
)	
)	
Defendants.)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on July 16, 2020 and was referred to United States Magistrate Judge Maureen P. Kelly, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Defendant Hartwell filed a motion to dismiss. ECF No. 31. On May 4, 2021, Magistrate Judge Kelly issued a Report and Recommendation recommending Defendant Hartwell's motion to dismiss be granted. ECF No. 53. Objections to the Report and Recommendation were due by May 21, 2021. As of this date, none have been filed.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 28th day of May 2021;

IT IS ORDERED that the motion to dismiss filed by Defendant Hartwell [ECF No. 31] is granted. Plaintiff may be permitted to amend his complaint to raise factual allegations against Dr. Hartwell.

AND, IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Kelly, issued on May 4, 2021 [ECF No. 53] is adopted as the opinion of the court.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge